

SENATE BILL REPORT

HB 1238

As Reported by Senate Committee On:
Human Services & Corrections, March 19, 2009

Title: An act relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense.

Brief Description: Allowing the Washington center for court research and the office of public defense to access juvenile case records.

Sponsors: Representatives Appleton, Goodman and Rodne; by request of Board For Judicial Administration.

Brief History: Passed House: 2/23/09, 76-21.

Committee Activity: Human Services & Corrections: 3/17/09, 3/19/09 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Jennifer Strus (786-7316)

Background: Current Washington statutes require the destruction of juvenile court records if those records pertain to persons who are no longer subject to juvenile court jurisdiction or subject to compulsory school attendance laws and whose contact with the juvenile court has been limited to the following:

- a successfully completed diversion agreement;
- a single counsel, warn and release; or
- a truancy case.

The Washington Office of Public Defense (OPD) is required by statute to exercise program oversight and provide technical assistance to "ensure the effective and efficient delivery of indigent defense services funded by the state." Current law is somewhat unclear about OPD's ability to access court records to fulfill its statutory responsibilities.

Summary of Bill (Recommended Amendments): The Administrative Office of the Courts is permitted to maintain an electronic research copy of all juvenile records in the judicial

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information system. The research copy is not subject to any records retention schedule and must include records destroyed or removed from the judicial information system. Access to the research copy is only available to the Washington State Center for Court Research (WSSCR). The WSSCR must maintain the confidentiality of all confidential records and preserve the anonymity of all persons identified in the research copy.

The OPD may access court records needed to implement the OPD's oversight, technical assistance, and other agency functions required by statute. Use of the records is limited to the OPD. The OPD must maintain the confidentiality of all confidential information included in the records.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): Clarifies that AOC will maintain an electronic research copy of the juvenile records. Removes confusing language regarding who has access to the records.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The amendatory language used on the substitute Senate bill is much cleaner than the language in the original bill with regard to WSSCR's access to records. That language much more clearly states that the bill does not change the entities that currently have access to these records. The Board of Judicial Administration fully supports the Senate version of the bill.

The small OPD staff in Olympia is required by statute to provide good oversight to the OPD attorneys and having access to court records will greatly assist them in meeting the statutory requirements.

Persons Testifying: PRO: Mellani McAleenan, Board for Judicial Administration; Joanne Moore, OPD.